

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANDREW CHMIELINSKI
Plaintiff,
v.

CIVIL ACTION
05-11418-NMG

COMMONWEALTH OF MASSACHUSETTS,
OFFICE OF THE COMMISSIONER OF
PROBATION and COMMONWEALTH OF
MASSACHUSETTS TRIAL COURT and
JOHN J. O'BRIEN, INDIVIDUALLY and
ANTHONY J. SICUSO, INDIVIDUALLY,
Defendants.

**DEFENDANTS' MOTION TO EXTEND -- TO MARCH 13, 2006 -- THE TIME WITHIN
WHICH TO SUBMIT DISPOSITIVE MOTION, CURRENTLY DUE FEBRUARY 28,
2006, HAVING YESTERDAY BEEN CALLED TO TRIAL MARCH 2, 2006**

_____Yesterday, February 23, 2006 at 4:00 PM, defense counsel was quite unexpectedly called to a March 2nd trial in the 'H' session of Suffolk Superior Court, Putnam v. State Police, SUCV 02-3218-H. Although the March 2nd date was set in May, 2005, there was no further communication from the Court on any matter, and no Pre-Trial conference; a February 14, 2006 status conference -- also set up in May, 2005 -- never occurred and was never placed on the docket calendar of events. The Docket is attached.

Although a trial continuance will be requested this afternoon, the Suffolk session clerk has informed the parties that it is unlikely the request will be allowed, as the judge sits on a committee to move cases. At all events, whether the motion will even be acted upon today is far from clear, and defense counsel does not know at this point whether he will be engaged in trial preparation between now and next Thursday, or continuing work on the February 28th motion (as well as a Supreme Judicial Court brief, on direct appellate review, in Salisbury Nursing Home v.

Division of Health Care Finance Policy and Finance, SJC 09646).

For the above reasons, Defendants request an extension -- to March 13, 2006 -- of the time within which to file and serve their Motion, with a like extension for Plaintiff to respond.

Counsel is informed that Plaintiff counsel is abroad, in Italy, to return March 2, 2006. Although the case has proceeded amiably and cooperatively to date, there is no telling whether Attorney Notis would have opposed this Motion.

CONCLUSION.

For the above reasons, Defendants respectfully request that the Court allow this Motion.

All Defendants,
By Their Attorney,

_____/s/
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Dated: February 24, 2006

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